

1 MICHELLE D. BLAKEMORE (CA State Bar No. 110474)
2 County Counsel
3 KENNETH C. GREGORY (CA State Bar No. 224934)
4 Deputy County Counsel
5 Office of County Counsel
6 385 North Arrowhead Avenue
7 Fourth Floor
8 San Bernardino, California 92415
9 Telephone: (909) 387-4602
10 Facsimile: (909) 387-4069
11 E-Mail: kenneth.gregory@cc.sbccounty.gov

7 Attorneys for Defendants, Sheriff McMahon, in his official capacity only, and Deputies
8 Musella, Landavazo, Ades, Short, Elder, Ruiz, Gaytan and Nichols each in their
individual capacity only.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JONATHAN WAYNE MUNDO,

Plaintiff,

1

JOHN MCMAHON, et al.,

Defendants.

Case No. ED CV 15-02511-AB (PLA)

PROTECTIVE ORDER: INTERNAL AFFAIRS INVESTIGATION

Defendant Sheriff McMahon, in his official capacity only, submits the following protective order in relation to plaintiff's request for production of documents seeking disclosure of privileged and confidential Sheriff's Department reports related to this case. Defendant claims the documents are protected by, *inter alia*, the official information privilege and privacy privileges. This protective order is submitted pursuant

1 to a court order filed on January 11, 2018, in order to facilitate discovery while
2 protecting defendants' interests.

3 1. This protective order applies to the IA Memorandum and the attachments
4 identified as (1) the Executive Summary, and (2) the recorded interviews made during
5 the IA investigation.

6 2. Documents, records and information ("Confidential Material") disclosed
7 pursuant to this protective order, will be designated consecutively by page numbers
8 and each page will be marked "CONFIDENTIAL –UNLAWFUL TO DUPLICATE."

9 3. The Confidential Material may be disclosed to plaintiff MUNDO.
10 Excluding the Court (including court reporters, stenographic reporters and
11 videographers, and court personnel), the Confidential Material may not be
12 disseminated, shared, or provided to any other person or organization without the prior
13 written stipulation of defendant or authorization from the Court.

14 4. Disclosure to Plaintiff's designated expert requires Plaintiff to provide
15 defendants twenty-one (21) actual days of advanced notice in order for defendants to
16 draft an additional stipulated protective order, if required, or request a court order
17 further limiting disclosure.

18 5. The Confidential Material shall be used solely in connection with this
19 litigation and not for any other litigation or purpose. To the extent the Confidential
20 Material is disclosed at any deposition, it is subject to the terms of this protective order.

21 6. Each party shall take reasonable precaution to prevent the unauthorized or
22 inadvertent disclosure or any of the protected information or documents. Disclosure of
23 the Confidential Material pursuant to this protective order will not constitute a general
24 waiver by defendant(s) of the privileges asserted as to the Confidential Material or
25 related confidential material or records.

26 7. All documents subject to this Protective Order that are submitted to the
27 Court or used in any pretrial proceeding before this Court shall remain confidential and
28

shall be accorded *in camera* treatment.

8. The provisions of this Protective Order shall survive and remain in full force and effect after the Entry of Final Judgment, including any appellate proceedings) in this case, whether by settlement or litigation.

9. At the termination of this litigation, all Confidential Material governed by the provisions of this protective order (including any copies) shall be returned to counsel for defendant(s).

10. The Court shall retain jurisdiction, even after this lawsuit terminates, (a) to make such amendments, modifications and additions to this Protective Order as it may from time to time deem appropriate upon good cause shown and (b) to adjudicate any dispute respecting improper use or disclosure of confidential material.

Dated: January 12, 2018

Signed: */s/ Kenneth C. Gregory*

KENNETH C. GREGORY

Deputy County Counsel

Attorneys for Defendants, Sheriff McMahon, in his official capacity only, and Deputies Musella, Landavazo, Ades Short, Elder, Ruiz, Gaytan and Nichols each in their individual capacity only

IT IS SO ORDERED.

Dated: January 16, 2018

Paul L. Abramst

Paul L. Abrams
United States Magistrate Judge